

Amendments to Senate Bill No. 147  
1st Reading Copy

Requested by Senator Jim Keane

For the Senate Natural Resources Committee

Prepared by Sonja Nowakowski  
February 6, 2009 (2:00pm)

1. Title, page 1, line 6.

**Following:** "ACT;"

**Insert:** "GRANTING RULEMAKING AUTHORITY;"

2. Page 3, line 3.

**Following:** "~~a~~"

**Insert:** "(a)"

3. Page 3, line 5.

**Following:** "and"

**Insert:** "; and"

4. Page 3, line 8.

**Following:** "action"

**Insert:** "(b) none of the persons who are liable or potentially liable under 75-10-715(1) and who have been given the opportunity by letter to properly and expeditiously perform the appropriate remedial action will properly and expeditiously perform the appropriate remedial action"

5. Page 7, line 10 through line 11.

**Following:** "~~-~~"

**Insert:** ":(i)"

6. Page 7, line 11.

**Strike:** "who is neither"

**Insert:** "other than either"

7. Page 7, line 12.

**Following:** "or"

**Insert:** "; or"

8. Page 7, line 13.

**Strike:** "nor"

**Insert:** "(ii) an act or omission of a third party other than"

9. Page 7, line 14.

**Strike:** ". To qualify for this defense."

**Insert:** ", if"

10. Page 7, line 15.

**Strike:** "shall also establish"

**Insert:** "establishes"

11. Page 7, line 16.

**Strike:** "(i)"

**Insert:** "(A)"

12. Page 7, line 19.

**Strike:** "(ii)"

**Insert:** "(B)"

13. Page 7, line 29.

**Strike:** "(5)(c)"

**Insert:** "(5)(c)(ii)"

14. Page 8, line 12.

**Strike:** "(5)(c)"

**Insert:** "(5)(c)(i) or (5)(c)(ii)"

15. Page 13, line 18.

**Following:** "or"

**Insert:** "was incomplete and"

16. Page 15, line 10.

**Following:** "on"

**Insert:** "parcels of"

17. Page 15, line 12.

**Following:** "environment."

**Insert:** "The deed notice must be placed only on the parcel or portion of the parcel that is impacted. When the department has determined that only a portion of a parcel is impacted, the department may require the potentially liable person to survey that portion that is impacted."

18. Page 15.

**Following:** line 13

**Insert:** "(7) By December 31, 2009, the department shall adopt rules to establish procedures, standards, and criteria for the placement and resolution of deed notices. The rules must provide for an opportunity for the landowner to comment before placement of the deed notice and must establish criteria to ensure that deed notices are placed on properties only when reasonably necessary to protect public health, safety, or welfare or the environment."

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